

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRED REEVES,

Plaintiff,

v.

Case No. 1:04-cv-606
HON. R. ALLAN EDGAR

S. KEEGSTRA,
M. MACAULEY,
R. GROVES,

Defendants.

MEMORANDUM AND ORDER

On August 9, 2005, Magistrate Judge Timothy P. Greeley filed his report and recommendation pursuant to 28 U.S.C. § 636(b). [Court Doc. No. 34]. It is recommended that the defendants' motion for summary judgment [Court Doc. No. 23] be granted under Fed. R. Civ. P. 56 and that the plaintiff's complaint be dismissed.

On August 18, 2005, plaintiff made a motion for enlargement of time to file objections. [Court Doc. No. 35]. The plaintiff's motion for enlargement of time was denied. [Court Doc. No. 38]. On September 6, 2005, plaintiff filed late objections to the report and recommendation. [Court Doc. No. 39].

After reviewing the record *de novo*, the Court concludes that the plaintiff's objections [Court Doc. No. 39] are **DENIED** for two reasons. The plaintiff's objections were not timely filed

within the ten-day time limit required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b). The plaintiff's objections are also without merit.

Accordingly, the Court **ACCEPTS and ADOPTS** the Magistrate Judge's report and recommendation pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b). The defendants' motion for summary judgment [Court Doc. No. 23] is **GRANTED**. The plaintiff's complaint will be **DISMISSED WITH PREJUDICE** in its entirety as to all defendants.

A separate judgment will enter.

SO ORDERED.

Dated: *October 31, 2005*

/s/ R. Allan Edgar

R. ALLAN EDGAR

UNITED STATES DISTRICT JUDGE